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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 JUAN D. VEGA, JR.,

11 Petitioner,

12 v.

13 FEDERAL BUREAU OF PRISONS,

14 Respondent.  
15

Case No. C09-5076FDB

ORDER OF TRANSFER

16 Before the court is a petition for writ of habeas corpus. Petitioner is currently in custody, on work  
17 release and/or probation, residing in Tacoma, Washington. The Petition appears to attack the legality or  
18 basis of the sentence received under cause number CR04-0413MJP. Petitioner specifically challenges  
19 the revocation of his "reduction of sentence 'entitlement' for completion of the 500 hour residential drug  
20 abuse program (RDAP)." Petitioner argues the Federal Bureau of Prisons's actions have violated his  
21 federal rights and denied him due process of law. For reasons which follow, this court transfers this  
22 matter to the U.S. District Court for the Western District of Washington in Seattle.

23 An application for a writ of habeas corpus may be filed either in the district court wherein the  
24 petitioner is in custody or in the district court within the State court which convicted and sentenced the  
25 petitioner; such district courts have concurrent jurisdiction to entertain the application. 28 U.S.C. §  
26 2241(d); Fest v. Bartee, 804 F.2d 559, 560 (9th Cir. 1986). "The physical presence of the prisoner is not  
27 necessary for habeas corpus jurisdiction as long as the court has jurisdiction over the person holding the  
28 prisoner." Fest, 804 F.2d at 560, *citing*, Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484,

1 494-95 (1973). To determine where the action should be located the court should review traditional  
2 venue considerations. Id.

3 In the present case Petitioner is challenging length of his sentence and the Federal Bureau of  
4 Prisons' rules and regulations. The underlying criminal matter took place in Seattle, and the sentence  
5 being challenged was imposed by the Honorable Marsha Pechman in Seattle, Washington. In the interest  
6 of justice, the petition should be transferred to the U.S. District Court located in Seattle.

7 The Clerk of this court is hereby directed to transfer this case to the U.S. District Court for  
8 Western District of Washington in Seattle.

9 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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13 Franklin D. Burgess  
14 United States District Judge

15 Recommended for entry this  
16 23rd day of February, 2009.

17 /s/ J. Kelley Arnold  
18 J. Kelley Arnold  
19 United States Magistrate Judge  
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